

**FARBER BROCKS & ZANE L.L.P**

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File No.: 662-14499  
Attorneys for defendants/third-party plaintiffs,  
Brooks Cass and Kristen Cass

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

BRENDAN W. BUTLER and  
SARAH K. BUTLER, h/w,

Plaintiffs

v.

WILLIAM McFETRIDGE, DANIEL R. WHITE,  
DANIEL R. WHITE REALTORS LLC,  
BOROUGH OF HADDON HEIGHTS, BROOKS  
CASS and KRISTEN CASS,

Defendants.

BROOKS CASS and KRISTEN CASS,

Third-Party Plaintiffs,

v.

ARTISTIC POOLS CORPORATION and  
JAMES MACCARIELLA, Jr., PE

Third-Party Defendants.

Civil Action No. 1:24-cv-07733-RMB-SAK

**THIRD-PARTY COMPLAINT**

Third-Party Plaintiffs BROOKS CASS and KRISTEN CASS (collectively herein as  
“CASS”), by and through their attorneys, FARBER, BROCKS & ZANE, L.L.P., as and for its

Third Party Complaint against Third Party Defendants Artistic Pools Corporation and James Maccariella Jr., PE, allege as follows:

1. Cass brings these claims for indemnification, contribution, and breach of contract against Third Party Defendants.

2. Cass' claims are based on the allegations in Plaintiff's Amended Complaint, which are incorporated herein for reference only and are not admitted.

3. Cass alleges that Third-Party Defendants are responsible for Plaintiff's damages alleged in the Amended Complaint.

4. Any liability Cass may incur as a result of Plaintiffs' allegations in the Amended Complaint are the result of the primary negligence, fault, or misconduct of Third-Party Defendants.

5. In equity and good conscience, if Plaintiffs recover against Cass, then Cass is entitled to apportionment of liability, indemnification, and contribution for all liability from and among Third-Party Defendants.

6. Cass is entitled to recovery from Third-Party Defendants according to their respective fault, for the injuries and damages Plaintiffs allegedly sustained, by way of sums paid in settlement, or judgment rendered against Cass in this action based on Plaintiffs' Amended Complaint.

#### **PARTIES**

7. Cass owns property located at 513 Guyer Drive, Haddon Heights, New Jersey.

8. Artistic Pools Corporation ("Artistic Pools") is a New Jersey business entity located at 2312 Wallace Boulevard, Cinnaminson, New Jersey 08077.

9. James Maccariella, Jr., P.E. is New Jersey licensed engineer with an address at 38 Country Squire Lane, Marlton, New Jersey 08053.

**JURISDICTION AND VENUE**

10. The Court has subject matter jurisdiction over Designers' claims under 28 U.S.C. § 1331.

11. The Court also has supplemental jurisdiction over Cass' claims under 28 U.S.C. § 1367(a) because Cass' claims are so related to Plaintiffs' federal claim(s) that they form part of the same case or controversy under Article III of the United States Constitution.

12. Venue is appropriate in this Court under 28 U.S.C. § 1391(a)(1) because one or more Third-Party Defendants reside in this judicial district.

13. This Court has personal jurisdiction over the Third-Party Defendants because they reside in the State of New Jersey, transact business in the State of New Jersey, and/or have caused harm or tortious injury in the State of New Jersey.

**COUNT 1  
(Indemnification)  
(By Cass against all Third-Party Defendants)**

14. Cass incorporates by reference the allegations in the prior paragraphs as if set forth fully herein.

15. Based on the allegations in Plaintiff's Amended Complaint, Third-Party Defendants owe indemnification to Cass.

16. Cass denies all wrongdoing Plaintiffs alleges against them.

17. To the extent Cass is found liable for any portion of the damages Plaintiffs asserted against them, Cass seek indemnification from Third-Party Defendants.

18. Alternatively, to the extent Cass enters into a settlement with Plaintiffs wherein Cass pays monies or other damages to Plaintiffs, Cass seeks indemnification from Third-Party Defendants.

WHEREFORE, Cass respectfully requests that this Court enter an order in favor of Cass and against all Third-Party Defendants for all amounts Cass owes Plaintiffs, plus interest, attorneys' fees, and costs, and all other appropriate relief.

**COUNT 2**  
**(Contribution)**  
**(By Cass against all Third-Party Defendants)**

19. Cass incorporates by reference the allegations in the prior paragraphs as if set forth fully herein.

20. Based on the allegations in Plaintiffs' Amended Complaint, Third-Party Defendants owe contribution to Cass.

21. Cass denies all wrongdoing Plaintiffs allege against them.

22. To the extent Cass is found liable for any portion of the damages Plaintiffs assert against them, Cass seeks contribution from Third-Party Defendants.

23. Alternatively, to the extent Cass enters into a settlement with Plaintiffs wherein Cass pays monies or other damages to Plaintiff, Cass seeks contribution from Third Party Defendants.

WHEREFORE, Cass respectfully requests that this Court enter an order in favor of Cass and against all Third-Party Defendants for a portion of all amounts Cass owes Plaintiffs, plus interest, attorneys' fees, and costs, and all other appropriate relief.

Respectfully submitted,

*/s/David J. Bloch*

David J. Bloch, Esq.

**FARBER, BROCKS & ZANE, LLP**

226 St. Paul Street

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(908) 789-0507

*Attorneys for Defendants/Third-Party*

*Plaintiffs, Brooks Cass and Kristen Cass*

**DEMAND FOR JURY DEMAND**

Third-Party Plaintiffs hereby demand trial by jury on all issues.

**DESIGNATION OF TRIAL COUNSEL**

DAVID J. BLOCH, ESQ. is hereby designated as trial counsel for Third-Party Plaintiffs in the within designated matter.

**FARBER BROCKS & ZANE L.L.P**

By: */s/ David J. Bloch*  
David J. Bloch

Dated: Westfield, New Jersey  
May 16, 2025